

# **EXHIBIT “A”**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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YEYSON MANUEL VARGAS-MOYA,

Plaintiff,

-against-

A. DUIE PYLE, INC. and LESZEK KEDZIERSKI,

Defendants.  
-----X

Docket No.: 18-cv-00188  
(RRM) (JO)

**EXPERT WITNESS  
DISCLOSURE  
PURSUANT TO FRCP  
RULE 26**

**PLEASE TAKE NOTICE** that pursuant to Rule 26(a)(2)(C) of the Federal Rules of Civil Procedure (“FRCP”) Plaintiff, YEYSON MANUEL VARGAS-MOYA, by and through their attorneys, ELEFTERAKIS, ELEFTERAKIS & PANEK, hereby submits the following expert witness disclosure:

Plaintiff anticipates calling surgeon Dr. Vadim Lerman, as an expert witness at the time of trial. Dr. Lerman is a board certified orthopedic spinal surgeon who is Plaintiff’s treating surgeon with regard to the injuries incurred in the current matter.

A copy of the *curriculum vitae* (“CV”) for Dr. Vadim Lerman is attached hereto as **Exhibit “A.”**

A list of testimony that Dr. Lerman has previously provided is currently being compiled. Please note that Dr. Lerman has not kept records concerning the case caption, Index number, or docket number, to identify each case in which he has provided testimony. Therefore, the forthcoming list will provide the names of those patients/plaintiffs for whom Dr. Lerman recalls having provided testimony. Additionally, Plaintiff’s counsel herein will be performing their own research regarding any trials and/or deposition testimony, to the extent the same is available.

A comprehensive list of Dr. Lerman’s previous publications is also enclosed herewith, as part of Dr. Lerman’s CV, and annexed as **Exhibit “A.”**

Dr. Lerman will be relying on his professional skill, experience and knowledge, discovery exchanged in this action, and relevant treatises and texts.

Additionally, Dr. Lerman will also testify about the anatomy in general, and specifically with regard to Plaintiff's injuries as detailed via his operative report dated August 17, 2016.

Plaintiff expressly reserves the right to supplement this response upon completion of future visits and records generated therefrom.

Dr. Lerman's compensation will be provided under separate cover upon receipt of said information.

Dr. Lerman will testify based on the medical treatment that Plaintiff has been receiving from the time of the accident until the present including his personal examinations of the Plaintiff, as well as those examinations from other treating physicians. Dr. Lerman will also testify as to the necessity for medical treatment which Plaintiff will require in the future including, but not limited to, the need for future surgery of the cervical and/or lumbar spine, including a laminectomy, discectomy and/or fusion of the cervical spine and/or revision and expansion/extension surgery of the lumbar spine; adjacent segment syndrome disorder; the need for future surgery of the lumbar spine including a laminectomy, discectomy and/or fusion and/or any revision surgeries; future orthopedic visits; future neurological visits; future pain management visits; future physical therapy visits, future pain medication, future diagnostic testing and future rehabilitation services. He will also testify as to the prospective cost of these future services.

Dr. Lerman's testimony will be based upon his own examinations of the Plaintiff, and diagnostic tests taken of said Plaintiff, including X-Ray films, CT Scans, EMG's and/or MRI films (for which authorizations have previously been exchanged), the deposition testimony of the

Plaintiff, opinions and medical records of Plaintiff's other treating physicians, hospital records, reports, and trial testimony.

Dr. Lerman will also testify about the anatomy in general, including the anatomy of the spine, specifically the lumbar and cervical spine.

Dr. Lerman will testify that Plaintiff suffered an injury to his lumbar spine and/or cervical spine as a result of the subject incident that occurred on June 9, 2016.

Dr. Lerman will testify regarding the surgical procedures that Plaintiff had, including, but not limited to, an Anterior Cervical Discectomy at C4-C5 performed on May 18, 2017 upon the finding of a C4-C5 disc herniation with cervical myeloradiculopathy with progressive neurological deficits in the upper extremities as well as early signs of myelopathy; a interlaminar cervical epidural steroid injection performed at levels C6-7 by Dr. Leon Reyfman on August 17, 2016; as well as various thoracic and lumbar herniations and bulges, *inter alia*. He will also testify as to the extent, if applicable, of any radiculopathy, as well as the symptoms and conditions associated with such.

Dr. Lerman will testify that Plaintiff will suffer from post-traumatic arthritis of the lumbar and cervical spine; that Plaintiff is a candidate for further surgical intervention, including, but not limited to, future cervical and/or lumbar discectomy, laminectomy, and/or fusion; as well as the potential for revision and expansion of the lumbar spine due to adjacent segment syndrome disorder, that Plaintiff still suffers from pain, swelling and has limited range of motion of the lumbar and cervical spine; and that Plaintiff will suffer from chronic pain and continue to have loss of mobility in the aforementioned areas.

Furthermore, Dr. Lerman will also testify regarding the extent to which, if any, the injuries sustained as a result of the subject accident exacerbated and/or aggravated any asymptomatic prior conditions to any body part injured in the accident in question.

Dr. Lerman will also testify regarding hypotheticals based upon Plaintiff's injuries to the lumbar and cervical spine.

Dr. Lerman will testify that all the above injuries are permanent in nature and are causally connected to the Plaintiff's accident of June 9, 2016.

Dr. Lerman will give testimony and opinion regarding the Plaintiff's past, present, and future prognosis within a reasonable degree of medical certainty.

Dr. Lerman will be relying upon his professional skill, experience, knowledge, and discovery exchanged (including but not limited to, deposition transcripts, photographs, accident reports, etc.) in this matter as well as relevant treatises and texts.

**PLEASE TAKE NOTICE** that to the extent that Defendants issue a subpoena and/or notice to the above individual to appear for a deposition and/or to produce records, a copy of said subpoena and notice should be noticed to Plaintiff's counsel, *supra*. To the extent that Defendants receive any records in response to said subpoena and/notice, at any time, a copy of such records should be immediately forwarded to Plaintiff's counsel. Additionally, in all instances, and to the extent, a deposition is noticed, such notice is to be provided in advance of said deposition upon Plaintiff's counsel.

**PLEASE TAKE FURTHER NOTICE** that Plaintiff reserves his right to supplement and/or amend the within notice and disclosure with any other information as may become available throughout the course of this litigation as permitted by the FRCP and/or as Court may allow.

Dated: New York, New York  
March 5, 2019

ELEFTERAKIS, ELEFTERAKIS & PANEK

JORDAN A. JODRÉ, ESQ. (JJ0028)

*Attorneys for Plaintiff*

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To: SOBEL PEVZNER, LLC  
*Attorneys for Defendants*  
A. DUIE PYLE, INC. and LESZEK KEDZIERSKI  
464 New York Avenue, Suite 100  
Huntington, New York 11743



*Curriculum Vitae*  
**Vadim Lerman, D.O.**

170 Kensington St, Brooklyn, NY 11235  
 (917)685-9850

Date of Birth: [REDACTED]  
[vlerman123@hotmail.com](mailto:vlerman123@hotmail.com)

**Work Experience**

02/2013 - Present	The Mount Sinai Medical Center Assistant Clinical Professor Icahn School of Medicine at Mount Sinai One Gustave L. Levy Place New York, NY
09/2012 - Present	Lerman Medical Care, P.C. Spine Surgeon 3059 Brighton 13 <sup>th</sup> St. Brooklyn, NY
08/2012 - Present	Franklin Hospital Medical Center Orthopaedic Spine Surgeon 900 Franklin Ave. Valley Stream, NY
08/2012 - Present	Total Orthopaedics & Sports Medicine, LLP Spine Surgery Attending Physician 5500 Merrick Road Massapequa, NY
08/2012 - Present	Nassau University Medical Center Associate Director of Spine Surgery 2201 Hempstead Turnpike East Meadow, NY
08/2012 - Present	Spine Institute of NY at Beth Israel Spine Surgery Attending Physician 1 <sup>st</sup> ave at 16 <sup>th</sup> St. New York, NY
08/2017- Present	Surigicore Surgical Center of Jersey City 550 Newark Ave Jersey City, NJ
01/2018- Present	South Nassau Communities Hospital 1 Healthyway Oceanside, NY

**Post-graduate Education**

08/2011 - 07/2012	Beth Israel Spine Institute Spine Surgery Fellow
07/2007 - 0/2011	Orthopaedic Surgery Residency Administrative Chief Resident during PGY-5 Peninsula Hospital Consortium Far Rockaway, NY
07/2006 - 06/2007	Peninsula Hospital Center Chief Intern, Osteopathic Rotating Peninsula Hospital Center Far Rockaway, NY

**Education**

08/2002 - 05/2006	New York College of Osteopathic Medicine, Old Westbury, NY Doctor of Osteopathy
08/1997 - 05/2001	Binghamton University, Binghamton, NY BS in Biochemistry



**Membership and Honorary/Professional Societies**

8/2002- Present	American Osteopathic Association (AOA) – Active member
08/2002- 08/2006	American Medical Student Association (AMSA) – Active Member
08/2002- 05/2006	Student Osteopathic Medical Association (SOMA) – Active Member
Summer 2003	Doctors without borders Summer internship, Prague, Czech Republic

**Research**

09/1999- 05/2001	Binghamton University, Research Assistant “Protease C2 in the continuing mobilization of soybean beta-conglycinin seed.”
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**Licensing & Certification**

New York State Medical License  
New Jersey State Medical License  
Orthopedic Board – Certified  
Comprehensive Osteopathic Medical Licensing Examination  
Basic Life Support (BLS)  
Advanced Cardiac Life Support (ACLS)

**Courses**

Medtronic: “Basic Principles of Spine Surgery”, September 2010

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Basic Principles and Techniques of Operative Fracture Management for Residents  
AO North America  
Salt Lake City, Utah, November 2007

**Language Fluency**

Russian (Fluently: speak, write and read)  
English (Fluently: speak, write and read)  
Ukrainian (Fluently: speak, write and read)

**Hobbies and Interest**

Photography, Travel, and Art

**Other Awards/Accomplishments**

Orthopedic Administrative Chief 2010-2011  
Chief Intern 2006-2007  
Dean's List, Binghamton University 1997-2000

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Plaintiff,

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Defendants.  
-----X

STATE OF NEW YORK     )  
                                      ) ss.:  
COUNTY OF NEW YORK    )

I, Jordan Jodré, being sworn, says: I am an attorney duly licensed to practice law in the State of New York and in the United States District Court, Eastern District of New York. I am not a party to the action, am over 18 years of age and reside in New York County, New York.

On March 5, 2019, I served the within **PLAINTIFF'S EXPERT DISCLOSURE PURSUANT TO FRCP RULE 26(a)(2) OF DR. VADIM LERMAN** by depositing a true copy thereof enclosed in a post-paid wrapper, in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State, addressed to each of the following persons at the last known address set forth after each name:

SOBEL PEVZNER, LLC  
*Attorneys for Defendants*  
A. DUIE PYLE, INC. and LESZEK KEDZIERSKI  
464 New York Avenue, Suite 100  
Huntington, New York 11743

  
\_\_\_\_\_  
Jordan Jodré

Civil Action No.: 18-cv-00188  
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YEYSON MANUEL VARGAS-MOYA,

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-against-

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Defendants.

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**PLAINTIFF'S EXPERT DISCLOSURE PURSUANT TO FRCP RULE 26(a)(2)(C)  
OF DR. VADIM LERMAN, D.O.**

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**ELEFTERAKIS, ELEFTERAKIS & PANEK**

*Attorneys for Plaintiff(s)*

80 PINE STREET, 38th Floor  
NEW YORK, NEW YORK 10005  
(212) 532-1116

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*To  
Attorney(s) for*

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*Service of a copy of the within*

*is hereby admitted.*

*Dated:*

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*Attorney(s) for*

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☐ *PLEASE TAKE NOTICE that the within is a true copy of an Order signed by  
the Honorable  
that was entered in the office of the clerk of the within named Court on*

**NOTICE OF ENTRY**

☐ *that an Order of which the within is a true copy will be presented for settlement to the  
, one of the judges of the within named Court for signature*

*Dated: New York, NY*

**NOTICE OF SETTLEMENT**

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